

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to financial incentives for national board certification and providing an opportunity for public comment

The State Board of Education hereby proposes to rescind Chapter 84, “Financial Incentives for National Board Certification,” Iowa Administrative Code, and adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.44.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.44.

Purpose and Summary

As part of the Department of Education’s review of rules under Executive Order 10, the Department determined that the current subrule 84.3(4) is obsolete because the issue is adequately addressed through the application process, and that the current chapter contains unnecessarily repetitive and restrictive language. The Department proposes removing this language.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on October 24, 2023. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

October 24, 2023
10:30 to 11 a.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa

October 24, 2023
5:30 to 6 p.m.

Second Floor, Jim Hester Board Room
Davenport Schools, Achievement Service Center
1702 North Main Street
Davenport, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 281—Chapter 84 and adopt the following **new** chapter in lieu thereof:

CHAPTER 84

FINANCIAL INCENTIVES FOR NATIONAL BOARD CERTIFICATION

281—84.1(256) Definitions. For the purpose of these rules, the following definitions apply:

“A person who receives a salary as a classroom teacher” means a teacher employed by a school district in Iowa who receives any salary compensation from the school district for providing classroom instruction to students in the district.

“Department” means the Iowa department of education.

“Director” means the director of the Iowa department of education.

“Employed by a school district in Iowa” means a teacher employed in a nonadministrative position in an Iowa school district pursuant to a contract issued by a board of directors of a school district under Iowa Code section 279.13 and any full-time permanent substitute teacher who is employed under individual contracts not included under Iowa Code section 279.13 but who is receiving retirement and health benefits as part of the substitute teacher's contract.

“National Board Certification” or *“NBC”* is a nationwide certification program administered by the National Board for Professional Teaching Standards.

“National Board for Professional Teaching Standards” or *“NBPTS”* is a private nonprofit organization whose goal is to develop professional standards for early childhood, elementary and secondary school teaching. NBPTS administers the NBC program.

“School district” means a public school district under Iowa Code chapter 274.

“Teacher” means an Iowa-licensed teacher as defined in Iowa Code section 272.1.

281—84.2(256) Registration fee reimbursement program. The department will administer a registration fee reimbursement program in each year for which the legislature appropriates funds.

84.2(1) Eligibility. Teachers seeking reimbursement under this rule will apply to the department within one year of registration with NBPTS and meet all of the following qualifications:

- a. The individual has all qualifications required by NBPTS for application for certification.

b. The individual is a teacher employed by a school district in Iowa and receives a salary as a classroom teacher.

c. The individual completes the department's application process, which includes verifying NBC registration.

d. The individual has not received reimbursement from this program at any previous time.

84.2(2) *Reimbursement.* Teachers determined eligible will receive reimbursement in the following manner:

a. *Initial registration fee reimbursement.* Each eligible teacher will receive an initial reimbursement of one-half of the reimbursement fee charged by NBPTS or, if necessary, a prorated amount upon submission to the department of the NBC registration confirmation form provided to each teacher by NBPTS.

b. *Final registration fee reimbursement.* The final registration fee reimbursement of one-half of the reimbursement fee charged by NBPTS will be awarded when the eligible teacher notifies the department of the teacher's certification achievement and submits verification of certification. If an eligible teacher fails to receive certification, the teacher can receive the remaining reimbursement if the teacher achieves certification within three years of the initial NBC score notification.

c. *Amount of reimbursement.* If funds are appropriated by the legislature, each eligible teacher who applies under this rule will receive the registration fee reimbursement. If in any fiscal year the number of eligible teachers who apply for the reimbursement exceeds the funds available, the department will prorate the amount of the registration fee reimbursement among all eligible teachers.

281—84.3(256) NBC annual award. If funds are appropriated by the legislature, each eligible NBC teacher will qualify for an NBC annual award. If in any fiscal year the funds appropriated are insufficient to pay the maximum amount of the annual awards to each eligible teacher or the number of teachers eligible to receive annual awards exceeds 1,100 individuals, the department will prorate funds among all eligible teachers. An eligible teacher who receives NBC certification after May 1, 2000, will receive an annual award of up to \$2,500 per year or a prorated amount for a maximum period of ten years. An otherwise-eligible teacher who possesses a teaching contract that is less than full-time will receive an award prorated to reflect the type of contract (half-time, quarter-time, etc.).

84.3(1) *Eligibility.* In addition to having registered with NBPTS and achieving certification within NBPTS-established timelines and policies, individuals eligible for the NBC annual award will meet all of the following qualifications:

a. The individual is a teacher who has attained NBC certification.

b. The individual is employed by a school district in Iowa and receives a salary as a classroom teacher.

c. The individual completes the department's annual application process, in a manner prescribed by the department.

d. The individual has received no more than ten annual awards, including the annual award currently sought.

e. The individual is applying for the award within one year of being eligible for the award.

84.3(2) *Application.* To receive an award under this rule, an NBC teacher will submit an application verifying eligibility for an NBC award to the department by May 1. The department will issue NBC awards to eligible NBC teachers no later than June 1.

281—84.4(256) Appeal of denial of a registration fee reimbursement award or an NBC annual award. Any applicant may appeal the denial of a registration fee reimbursement award or an NBC annual award to the director of the department. Appeals will be in writing, signed, and notarized; will contain a short and plain statement of the reasons for appeal; will be based on a contention that the process was conducted outside statutory authority or violated state or federal law, regulation or rule; and will be received within ten working days of the date of the notice of denial. The hearing and appeal procedures

found in 281—Chapter 6 that govern the director’s decisions will apply to proceedings under this rule. The director’s decision is due within a reasonable time, not to exceed 30 days from the date of the hearing.

These rules are intended to implement Iowa Code section 256.44.